HIGH COURT OF CHHATTISGARH, BILASPUR (21)

Second Appeal No. 407 of 2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant Plaintiff	:	Mojubuddin S/o Asgar Ali, Aged about 35 years, Caste-Musalman R/o Village-Baheradih, Tehsil Lundra District Surguja (C.G.)
		Versus
Respondent Defendant		Habib Ullah S/o Jaan Mohammad, Aged about 43 years, Caste-Musalman Occupation Agriculturist, R/o Village-Baheradih, Tehsil Lundra District Surguja (C.G.)

Second Appeal under Section 100 of the Code of Civil Procedure

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Present:-
Shri R. K. Majumdar, counsel for the appellant.

ORAL ORDER

(Passed on 26.9.2007)

Heard on I.A.No.01 for condonation of delay of 2072 days in filing this appeal.

(2) The only ground mentioned in the application for codonation of delay is that the appellant is an illiterate person and ~~restrict~~ a rustic villager and did not have knowledge of filing of this appeal. However, it is not disputed by learned counsel for the appellant that the appellant/plaintiff was represented by counsel not only in the trial Court but in the lower appellate Court also. No other ground was mentioned.

(3) In this view of the matter, there is no ground for condoning the huge delay of 2072 days in filing this appeal. Hence, the application (I.A.No.01) for condonation of delay is dismissed.

(4) Consequently, this appeal is also dismissed as barred by limitation.

(5) I.A.No.2 for exemption from filing certified copy of the impugned judgment and decree passed by the trial Court stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane